



PLANNING COMMISSION MINUTES

300 Martin Luther King Blvd.

October 22, 2024

TIME: 3:00 PM

I. WELCOME - Some items at this meeting will have a designated public hearing (noted below). Individuals are limited to one 5-minute comment period per public hearing.

II. APPROVAL OF MINUTES

The City of Opelika Planning Commission held its regular monthly meeting October 22, 2024 in the Meeting Chambers, located at the Opelika Municipal Court. Certified letters have been mailed to all adjacent property owners for related issues.

MEMBERS PRESENT: Chair Lucinda Cannon, Mayor Gary Fuller, Mrs. Leigh Whatley, Mr. Michael Hilyer, Mr. Jay Walters, Mr. Sheldon Whittelsey, and Mr. John Sweatman.

MEMBERS ABSENT: Councilman George Allen and Dr. Arturo Menefee.

STAFF PRESENT: Mr. Matt Mosley, Planning Director
Mr. Martin Ogren, Assistant Planning Director
Mrs. Rachel Dennis, Planner
Mrs. Claire Barber, Planning and Zoning Technician
Mr. Scott Parker, City Engineer
Mr. Guy Gunter, City Attorney

CALL TO ORDER: Chair Lucinda Cannon called the meeting to order at 3:00 p.m.

Approval of Planning Commission Minutes September 24, 2024

RESULT:	Passed
MOVER:	Director John Sweatman
SECONDER:	Mayor Gary Fuller
AYES:	Chair Cannon, Walters, Whatley, Whittelsey, Hilyer, Mayor Fuller, Director Sweatman
NAYS:	None
ABSTAIN:	None

III. UPDATE ON PREVIOUS PC CASES

Mr. Mosley stated that there are no updates on previous cases.

IV. NEW BUSINESS

A. PLAT (Preliminary) - Public Hearing

1. Waverly Woods SD, 117 lots, accessed from 699 Waverly Place, Brandon Hays, authorized representative for Whiteridge Opelika LLC, preliminary approval

Mr. Mosley presented the staff report to the Planning Commission for the Waverly Woods Subdivision accessed from 699 Waverly Place. He stated that staff recommends preliminary plat approval subject to the following:

- 1. Add the street name on final plat.**
- 2. Sidewalks required on both sides of the street.**
- 3. All utilities shall be underground.**
- 4. Add 60 foot wide stub outs to two street sections so the street length do not exceed the 1,200 foot maximum.**
- 5. Add the names and addresses of adjacent property owners on final plat.**
- 6. Add on final plat the property owner name and address.**
- 7. Add a note on final plat that the Open Space areas are “Unbuildable Parcel, Preserved as Common Area.”**
- 8. Add a note on final plat who is responsible for the maintenance of the Open Space areas.**
- 9. On final plat add a note concerning the uses allowed on the Open Space area.**

Mr. Parker provided the reports for the Engineering, Opelika Water, and Opelika Power Services. He stated that the applicant will be required to submit a site construction and grading plan for the drainage, utility, post construction detention, and roadway installation to the Engineering and Public Works Departments for review and approval. Once this approval and all other utility approvals have been met, a Land Disturbance Permit will be issued in concurrence with any applicable State and Federal Permits.

- Construction of infrastructure and utilities will be monitored and approved prior to final plat acceptance.
- A traffic impact study will be required to determine the impact of this additional development at the intersection of Waverly Place and Waverly Parkway. Turn lanes may be required with this study.
- The portion of White Road from the intersection of this subdivision to Waverly Parkway will need to be upgraded to City standards and paved.
- The road names shall be approved by the Engineering Department and are to be placed on the final plat for the public roadways to be accepted.

The Engineering Department has no other comments or concerns with this proposed Preliminary Plat.

He stated that water is available where “Road A” connects to Waverly Place and at property connection to White Road. This development will require connections to both Waverly Place and White Road water mains. He stated that this subdivision is in Opelika Power Services and Alabama Power service territory.

Chair Cannon opened the public hearing.

Darla Gibbs, 701 Waverly Place, expressed concerns about the granite and the creek. She stated that she liked the second entrance and exit. She stated that there are no sidewalks in their neighborhood and that it is a 55-plus community. She expressed concerns about traffic. She asked the developer to meet with the neighbors to speak about those concerns.

Susan Jones, 905 Waverly Court, asked why the Conditional Use request was denied for this project last time and what is different this time?

Mr. Mosley stated that last time they were requesting duplex or twinhome units and this time they are going to be single family lots.

Susan Jones stated that she thought that it was denied because of the traffic. She expressed concerns about the traffic and the lack of sidewalks. She asked if they are required to have this much open space?

Mr. Mosley stated that they are not.

Robin Weyant, 809 Shelby Avenue, asked about the revised plat and when the cutoff was for submitting revised plats. She asked about the width of Road C and stated that she believed it was supposed to be 60 feet instead of 50 feet wide. She expressed concerns about the floodplain, topography, water and traffic.

Mr. Mosley stated that it is normal for staff to get revised plats based on comments that staff provides to the applicant. He stated that when staff reviews revised plats they look at whether it is impacting people more than the plat that was previously sent out, if it is changing any of the access points, and if it is adding lots or subtracting open space. He stated that in this case, the revised Waverly Woods plat became a more compliant plat than what was previously submitted.

Carolyn Reid, 520 White Road, stated that her concern was the traffic and paving of White Road. She asked about erosion and runoff. She asked if the developer or the City does the paving?

Mr. Parker stated that the City will work with the developer to have a collaborative effort on the paving of White Road. He stated that the Engineering department and the City will oversee the construction and design. He stated that from his preliminary investigation of that section of the road, the erosion and drainage of that portion of the road will be improved by paving, curb, and gutter. He noted that this is an existing City street, and it needs to be paved at some point. He stated that adding this traffic would warrant the paving of this section of the road.

Carolyn Reid stated that the people that live on White Road would hate to see it paved.

Laura Lambert, 713 Waverly Place, asked what type of houses would be built back there? She asked if they would have an HOA? She stated that she felt it needed to be addressed.

Chair Cannon stated that the Commission doesn't know and that they are reviewing the plat.

Patsy Clark, 517 White Road, stated that they don't want to see White Road paved. She stated that she felt the developer could find a different access than White Road.

Chair Cannon stated that White Road is a City Road.

Taleshia Atkinson, 724 McDonald Drive, stated that she would not like to see this go through. She expressed concerns about the granite, explosives, traffic, safety, and the character of their neighborhood.

Chair Cannon closed the public hearing.

Motion to grant preliminary plat approval with staff recommendations

RESULT: Passed

MOVER: Mike Hilyer

SECONDER: Director John Sweatman

DISCUSSION: Mrs. Whatley stated that she was concerned that in the long term this development doesn't fit the character of the neighborhood.

Mr. Walters asked if these were 1/4 acre lots?

Mr. Mosley stated that they are mostly 70 feet by 150 feet, which is about 1/4 acre.

Mr. Walters asked about the zoning?

Mr. Mosley stated that the neighborhoods through here have the same zoning types. He stated that from a lot-size perspective, these should be extremely comparable. He stated that as Chair Cannon mentioned, we have minimal requirements as far as housing design and size. He stated that there is a minimum house size required for single family neighborhoods, but other than that, it is largely up to the builder or property owner to determine the style or materials aside from a PUD or Conditional Use application.

AYES: Chair Cannon, Walters, Hilyer, Mayor Fuller, Director Sweatman

NAYS: Whatley

ABSTAIN: Sheldon Whittelsey

B. FINAL PLAT

2. Southern Pines SD, 46 lots, accessed from Briarwood Lane extension, David Slocum authorized representative for Bryan Stone, final approval

Mr. Mosley presented the staff report to the Planning Commission for the Southern Pines Subdivision accessed from Briarwood Lane extension. He stated that, due to finishing up the street, they have reduced the total lots for final plat to 17 lots. He stated that staff recommends final plat approval subject to the following:

1. Remove the minimum setbacks shown on the lots.
2. Add a note: A 5-foot side yard setback variance from the minimum 15-foot side yard setback required on one side yard for all single-family home lots in the Southern Pines Subdivision to allow for side entry garages.
3. Add a note to clarify size, use, ownership, and maintenance for proposed open space.
4. The open space lot must have a lot or parcel number or title.
5. All utilities shall be underground.
6. Sidewalks are required on both sides of the street.
7. Opelika Utilities has reverted to Opelika Water Board.
8. Opelika Light & Power is now Opelika Power Services
9. Note 4 describes a Tract 3. Tract 3 is not listed on the plat. Please correct or delete note.
10. Add a note future Phase 2 will have pool house and pool amenity for this neighborhood on Lot 19.

Mr. Parker provided the reports for the Engineering, Opelika Water, and Opelika Power Services. He stated that the Engineering Department has been inspecting the construction and testing of the infrastructure in this subdivision. A Certification of Completion will be completed and signed by the Engineering and Public Works Directors as soon as all the infrastructure completion items below have been met and a positive recommendation for approval will be given:

- All drainage structures, aggregate base and pavement have been completed.
- All stop and roadway signs have been installed.
- Maintenance Bond of 25% of the infrastructure construction cost will need to be submitted.
- Performance Bond of 125% of the estimated cost to place the remaining roadway surface and sidewalks will need to be submitted.
- As-built documents of the roadway, and storm drain in the form of an Autocad and PDF digital file will need to be submitted to the Engineer Department. The required data should include location and elevations of all the inverts of the systems.
- The ROW and lots have been graded, and stabilized with seed and mulch, and other erosion/sediment control items have been added to protect against erosion and sediment issues.

The Engineering Department has no other comments or concerns with this proposed final plat.

He stated that infrastructure must be inspected and accepted by Opelika Water before final plat can be approved. He stated that this property is located in the Opelika Power service territory.

Motion to grant final plat approval with staff recommendations

RESULT:	Passed
MOVER:	Director John Sweatman
SECONDER:	Mike Hilyer
AYES:	Chair Cannon, Walters, Whatley, Whittelsey, Hilyer, Mayor Fuller, Director Sweatman
NAYS:	None
ABSTAIN:	None

3. Champion Square SD, Phase 3, 54 lots, accessed from Plainsman Loop, Michael Thomas, Sain Associates, authorized representative for Patrick Murphy, preliminary approval

Mr. Mosley presented the staff report to the Planning Commission for the Champion Square Subdivision Phase 3 accessed from Plainsman Loop. He stated that staff recommends approval of the final plat subject to the following conditions:

1. **Sidewalks are required on both sides of street.**
2. **All utilities underground.**
3. **One large/canopy tree shall be installed for each house frontage either in the right-of-way between the sidewalk and the street curb with permission from the City of Opelika or in the front yard adjacent to the public right-of-way. The tree required must be included on the site plan that is submitted for setback review when a request for a building permit is provided.**
4. **A landscape plan meeting the Landscape Regulations is required for each townhome group. The landscape plan must be submitted when a building permit is requested for a townhome group.**

5. **Buffers labeled on plat need to be described on final plat and added on the site plan for each single family home lot or townhome group that is submitted for setback review when a request for a building permit is provided.**
6. **No side yard on street setbacks along public right-of-way shall be less than six (6) feet.**
7. **The buildings must match the architectural style and character of the renderings provided and approved at the November 2021 meeting.**
8. **No vinyl or metal siding shall be used.**
9. **All parking adjacent to the street shall be the responsibility of the developer or homeowners' association.**
10. **Add the storm drain easements as shown on construction plans on Lots 39 to 45 (rear yard), Lot 121, 115, and Lots 122 to 128 (front yard).**

Mr. Parker provided the reports for the Engineering, Opelika Water, and Opelika Power Services. He stated that the Engineering Department has been inspecting the construction and testing of the infrastructure in this subdivision. A Certification of Completion will be completed and signed by the Engineering and Public Works Directors as soon as all the infrastructure completion items below have been met and a positive recommendation for approval will be given:

- All drainage structures, aggregate base and pavement have been completed.
- All stop and roadway signs have been installed.
- Maintenance Bond of 25% of the infrastructure construction cost will need to be submitted.
- Performance Bond of 125% of the estimated cost to place the remaining roadway surface and sidewalks will need to be submitted.
- As-built documents of the roadway, and storm drain in the form of an Autocad and PDF digital file will need to be submitted to the Engineer Department. The required data should include location and elevations of all the inverts of the systems.
- The ROW and lots have been graded, and stabilized with seed and mulch, and other erosion/sediment control items have been added to protect against erosion and sediment issues.

The Engineering Department has no other comments or concerns with this proposed final plat.

He stated that infrastructure must be inspected and accepted by Opelika Water before final plat can be approved. Gas main currently conflicts with water mains in this development. He stated that this addition is in Opelika Power Services and Alabama Power service territory.

Motion to grant final plat approval with staff recommendations

RESULT:	Passed
MOVER:	Sheldon Whittelsey
SECONDER:	Director John Sweatman
AYES:	Chair Cannon, Walters, Whatley, Whittelsey, Hilyer, Mayor Fuller, Director Sweatman
NAYS:	None
ABSTAIN:	None

C. CONDITIONAL USE - Public Hearing

4. John Randall Wilson, authorized representative for Trinity Presbyterian Church, accessed at Calhoun Drive, McLure Avenue and Renfro Avenue, R-2, Athletic field and gymnasium for Trinity Christian School

Mr. Mosley presented the staff report to the Planning Commission for the proposed conditional use request for an athletic field and gymnasium for Trinity Christian School accessed at Calhoun Drive, McLure Avenue, and Renro Avenue. He stated that staff recommends approval subject to the following conditions:

- 1. Provide a landscape plan providing base points & parking lot points required and obtained and add the type of residential buffer adjacent to the R-2 and R-5 zones.**
- 2. A photometric plan must be provided to show lighting must not exceed one footcandle measured from a property line adjacent to a residential zoned property at such time lights are added.**
- 3. All equipment and mechanical must be screened to meet the Gateway Corridor Section 7.6, 6., d.**
- 4. Any exterior speakers shall be oriented away from residential properties to the greatest extent possible.**

Mr. Parker provided the reports for the Engineering, Opelika Water, and Opelika Power Services. He stated that the City is working on an agreement with the church for the donation of the property adjacent to McLure Avenue. This agreement will state that the City will construct an extension of Gwin Mill Drive past the tennis courts and to the property line. The City is also planning on upgrading and dedicating the existing Calhoun Drive and installing a multiuse path on both roadways.

Engineering has no other comments or concerns regarding the proposed Conditional Use approval.

He stated that Water (6" Main) is available from McLure Avenue and Renfro Avenue. It is likely required that connections be made at both locations to provide adequate fire protection to gymnasium. He stated that this subdivision is in Opelika Power Services territory.

Chair Cannon opened the public hearing.

Robin Weyant, 809 Shelby Avenue, asked if Calhoun Drive is going to be widened?

Mr. Parker stated yes.

Robin Weyant suggested the parking places be moved away from in between the tennis courts and the creek because they create traffic.

Mr. Parker stated that they are going to detach the parking from the road. He stated that there might be some parallel on-street parking, but there will not be any pull-in parking there. He stated that they will also install walkways.

Chair Cannon closed the public hearing.

Motion to grant conditional use approval with staff recommendations

RESULT: Passed

MOVER: Mayor Gary Fuller

SECONDER: Mike Hilyer

DISCUSSION: Mr. Sweatman asked if there will be any improvements to the four-way stop?

Mr. Parker stated that at this time they are not planning on doing that. He

stated that it will just be a two-way stop at this time.

Mr. Sweatman asked if the facilities would be open to the public or be private for the school.

Mr. Mosley stated that this will primarily be an athletic facility for the school.

AYES: Chair Cannon, Walters, Whatley, Whittelsey, Hilyer, Mayor Fuller, Director Sweatman

NAYS: None

ABSTAIN: None

5. Brandon Hays, authorized representative for Southside Opelika, LLC, C-2, accessed at 410 Geneva Street, 4 townhome units.

Mr. Mosley presented the staff report to the Planning Commission for the proposed conditional use request for 4 townhome units accessed at 410 Geneva Street. He stated that staff recommends conditional use approval subject to the following:

- 1. Approve a 5 foot waiver from the minimum 25 foot front yard setback on Geneva Street. The approval allows the four townhomes to be 20 feet from the front property line.**

Mr. Parker provided the reports for the Engineering, Opelika Water, and Opelika Power Services. He stated that water is available from Geneva Street. He stated that this property is in Opelika Power Services territory.

Chair Cannon opened the public hearing.

No comments.

Chair Cannon closed the public hearing.

Motion to grant conditional use approval with staff recommendations and the condition that the garage entrance share conflict be resolved to create a better access point between the homes.

RESULT: Passed

MOVER: Director John Sweatman

SECONDER: Sheldon Whittelsey

DISCUSSION: Chair Cannon stated that the garages are a problem and asked if the house that is positioned backwards could have a rear entry garage?

Mr. Mosley stated that it is possible but that staff would have to speak with the applicant.

Hayes Eiford, authorized applicant, stated that they could look at making that a rear entry garage. He stated that they could also put some regulations on it to make sure those garages weren't blocked. He stated that they are happy to add a condition to it and work with staff.

Mr. Whittelsey made a motion to amend the motion to require that the garage entrance share conflict be resolved to create a better access point between the homes.

Mr. Walters seconded the amendment to the motion.

	Ayes: Chair Cannon, Walters, Whatley, Whittelsey, Hilyer, Mayor Fuller, Director Sweatman
	Nays: None.
	Abstain: None.
AYES:	Chair Cannon, Walters, Whatley, Whittelsey, Hilyer, Mayor Fuller, Director Sweatman
NAYS:	None
ABSTAIN:	None

6. Lee Tharp, Kadre Engineering, authorized representative for Terry McCollum, accessed at 20 Veterans Parkway, C-2, GC-P, 124 apartment units.

Mr. Mosley presented the staff report to the Planning Commission for the proposed conditional use request for 124 apartment units accessed at 20 Veterans Parkway. He stated that staff recommends approval with the following conditions.

- 1. Provide a landscape plan based on the Landscape Regulations with base and parking lot points and plant material for the 20' landscape buffers along the north, east, and west property lines. A Gateway Corridor buffer along the east property line (Veterans Parkway) is required. Plant evergreen trees/shrubs along the north property line adjacent to existing single family homes providing an impervious visual barrier.**
- 2. The restaurant dumpster must be screened on all sides and gate with opaque material.**
- 3. The apartment exterior materials and amenity buildings must meet cladding requirements as provided in Section 7.6 Gateway Corridor in Zoning Ordinance.**

Mr. Parker provided the reports for the Engineering, Opelika Water, and Opelika Power Services. He stated that the applicant will be required to submit a site construction and grading plan for the drainage, utility, post construction detention, and roadway installation to the Engineering and Public Works Departments for review and approval. Once this approval and all other utility approvals have been met, a Land Disturbance Permit will be issued in concurrence with any applicable State and Federal Permits.

The applicants engineer will coordinate with the City Engineering to determine the needs of turn lanes in conjunction with future City projects on this roadway

Engineering has no other comments or concerns regarding the proposed Conditional Use approval.

He stated that water is available from Veteran's Parkway. There is also a 12" water main that parallels the northern Power Line ROW near the south side of this development. We are unable to tell from this conceptual plan, but the 12" main could be on south edge of this development. He stated that this property is in Opelika Power Services territory.

Chair Cannon opened the public hearing.

No comments.

Chair Cannon closed the public hearing.

Motion to grant conditional use approval with staff recommendations

RESULT: Passed

MOVER: Mike Hilyer

SECONDER: Mayor Gary Fuller

DISCUSSION: Mr. Sweatman asked if there is any enforcement for keeping the screened dumpster doors closed.

Mr. Mosley stated that it can be a difficult issue to regulate.

Mr. Whittelsey asked if the garages could be moved from Veterans Parkway to the interior road?

Lee Tharp, authorized representative, stated that along this section of Veterans Parkway, the road is lower than the property and there will be a buffer fronting the street. He stated that they will try to maintain as much vegetation as possible and mitigate that with landscaping along the frontage.

Tom Walker, Village Creek Development, stated that they have studied this and the reason they are facing Veterans Parkway now is because there are single family houses across the street and the intent is to not have any house looking at the rear of another house. He stated that the topography fluctuates and the pine trees might be 10 feet above the road.

Chair Cannon asked if there is room in the driveway for a second car?

Tom Walker stated yes.

Chair Cannon stated that they will be parked right in front of the front door.

Tom Walker stated that if it would be better to have the parking directly behind, that's what they have done in the past. He stated that this is one of the reasons they added so much green space to the site plan so that there is more common lawn which will be maintained by a professional company.

AYES: Walters, Whatley, Whittelsey, Hilyer, Mayor Fuller, Director Sweatman

NAYS: Chair Cannon

ABSTAIN: None

7. Blake Rice, Barrett-Simpson, authorized representative for Sun Self Storage, Inc, C-2, accessed at 1615 Thomason Drive, climate control self storage buildings (Sun Self Storage).

Mr. Mosley presented the staff report to the Planning Commission for the proposed conditional use request for climate control self storage buildings (Sun Self Storage) accessed at 1615 Thomason Drive. He stated that staff recommends approval subject to:

- **Must confirm right-of-way vacations for this property.**
- **Combine the lot to be one with the existing Sun Self-Storage front lot.**
- **Applicants are required to meet all flood plain requirements and approvals prior to starting any land development or applying for any permits.**
- **Provide a landscape plan to meet all the landscape requirements in the zoning ordinance and conditions including residential buffer 20 foot natural and undisturbed nearly impervious visual barrier.**

Mr. Parker provided the reports for the Engineering, Opelika Water, and Opelika Power Services. He stated that the applicant will be required to submit a site construction and grading

plan for the drainage, utility, post construction detention, and roadway installation to the Engineering and Public Works Departments for review and approval. Once this approval and all other utility approvals have been met, a Land Disturbance Permit will be issued in concurrence with any applicable State and Federal Permits.

Engineering has no other comments or concerns regarding the proposed Conditional Use approval.

He stated that water is available from Thomason Drive. He stated that this property is in Opelika Power Services territory.

Chair Cannon opened the public hearing.

Blake Rice, Barrett Simpson, stated that the developer has no issues with the majority of the conditions except for the comment about combining the plat with the parcel in front of it. He stated that that is problematic for a number of reasons. He stated that there could be different ownership interests, financial concerns, or the projects work differently. He stated that what the developer is proposing instead is providing an access easement through the front parcel to the rear parcel.

Chair Cannon asked if the easement would run with the property?

Blake Rice stated that the parcel is not landlocked and has right-of-way frontage, but yes, the easement would run with the property in perpetuity.

Mr. Sweatman asked if the new development would use the same access off of Thomason as the existing one?

Blake Rice stated that it would. He noted that there is a secondary fire apparatus access for fire code reasons that would come from the east, but it would be a gated access and only accessible for emergency vehicles.

Chair Cannon closed the public hearing.

Mr. Mosley stated that there is also access on Monroe and Penland, although they are gravel roads that may need some repair. He stated that this lot does appear to meet the requirements for access along the frontage, and if the Commission is ok with this being served by an easement, staff wouldn't have a concern with that.

Motion to grant conditional use approval with staff recommendations and providing an access easement through the front lot instead of combining it with the existing Sun Self Storage lot.

RESULT:	Passed
MOVER:	Director John Sweatman
SECONDER:	Mayor Gary Fuller
AYES:	Chair Cannon, Walters, Whatley, Whittelsey, Hilyer, Mayor Fuller, Director Sweatman
NAYS:	None
ABSTAIN:	None

8. Jason Horne, Horne Brothers LLC, C-3, accessed at the 2000 block of Cunningham Drive, office-warehouse building.

Mr. Mosley presented the staff report to the Planning Commission for the proposed conditional use request for an office-warehouse building accessed at the 2000 block of Cunningham Drive. He stated that staff recommends denial of the conditional use for filling the floodplain due to the potential effects it will have on the floodplain and city infrastructure. If Planning Commission does recommend approval, it should do so subject to the following:

- 1. Outside storage shall not be allowed.**
- 2. A full landscape plan including residential buffer shall be submitted.**
- 3. A dumpster is not shown on site plan. If dumpster installed then dumpster must be enclosed with an opaque fence and gate at a height so dumpster is not seen outside the enclosure.**
- 4. Utility service lines shall be underground.**

Mr. Parker provided the reports for the Engineering, Opelika Water, and Opelika Power Services. He stated that the applicant will be required to submit a site construction and grading plan for the drainage, utility, post construction detention, and roadway installation to the Engineering and Public Works Departments for review and approval. Once this approval and all other utility approvals have been met, a Land Disturbance Permit will be issued in concurrence with any applicable State and Federal Permits.

There have been some concerns of the fill and parking area on top of the existing sanitary sewer line. This line may need to be relocated outside of the building area.

The flood plain mitigation through FEMA will be required prior to approval of the site plans and relevant permits.

Engineering has no other comments or concerns regarding the proposed Conditional Use approval.

He stated that water is available on Cunningham Drive. He stated that this property is in Opelika Power Services and Alabama Power service territory.

Chair Cannon opened the public hearing.

Brian Lee, ACAI Engineering, stated that the revised plan does meet the current sanitary sewer setback requirements.

John Gwin, Public Works Director, stated that it is based off of the size of the easement, which is based off of the depth. He stated that right now, they are not meeting that requirement.

Mr. Hilyer stated that if something happens to the sewer line, there are OSHA regulations on setting back how far you have to open the hole. He stated that it would probably be 28 feet.

Mr. Whittelsey asked if you could relocate the sewer line as part of the project?

Mr. Hilyer stated that he didn't think they would be able to get the elevations right.

John Gwin stated that he didn't think that relocation would be possible here. He stated that based off of the depth, there is a lot of fill on top of an already deep pipe. He stated that it is an existing pipe and the condition of the pipe comes into play as well. He stated that the depth of the pipe governs the size of the easement. He stated that if something went wrong with the pipe,

to get a trench in there you would have to have an easement much larger than what you have there.

Chair Cannon closed the public hearing.

Motion to deny the conditional use request based on staff recommendations.

RESULT:	Passed
MOVER:	Mayor Gary Fuller
SECONDER:	Director John Sweatman
AYES:	Chair Cannon, Walters, Whatley, Whittelsey, Hilyer, Mayor Fuller, Director Sweatman
NAYS:	None
ABSTAIN:	None

D. Rezoning and Conditional Use - Public Hearing

9. (a) Amendment to the Future Land Use Map, 1001 1st Avenue, 10,890 square foot lot, from a general commercial land use category to a light commercial land use category.

(b) Rezoning Request, Josh O'Neal, authorized representative for Barnes & Horton, LLC, 10,890 square foot lot, at 1001 1st Avenue, from C-3, GC-S to C-1, GC-S.

Mr. Mosley presented the staff report to the Planning Commission for the rezoning request for a 10,890 square foot lot accessed at 1001 1st Avenue from C-3, GC-S to C-1, GC-S. He stated that staff recommends a positive recommendation to City Council to rezone from C-3 to C-1.

Mr. Parker provided the reports for the Engineering, Opelika Water, and Opelika Power Services. He stated that water is available from 1st Avenue & 10th Street. He stated that this property is in Opelika Power Services territory.

Chair Cannon opened the public hearing.

No comments.

Chair Cannon closed the public hearing.

Motion to send a positive recommendation for rezoning to City Council with staff recommendations

RESULT:	Passed
MOVER:	Mayor Gary Fuller
SECONDER:	Sheldon Whittelsey
AYES:	Walters, Whatley, Whittelsey, Mayor Fuller, Director Sweatman
NAYS:	Chair Cannon
ABSTAIN:	Mike Hilyer

Motion to approve the Amendment to the Future Land Use Map

RESULT:	Passed
MOVER:	Jay Walters
SECONDER:	Sheldon Whittelsey
AYES:	Walters, Whatley, Whittelsey, Mayor Fuller, Director Sweatman, Chair Cannon, Mike Hilyer
NAYS:	None
ABSTAIN:	None

10. Josh O'Neal, authorized representative for Barnes & Horton, LLC, C-1, GC-S (pending rezoning), at 1001 1st Avenue, lounge and event center.

Mr. Mosley presented the staff report to the Planning Commission for the proposed conditional use request for a lounge and event center accessed at 1001 1st Avenue. He stated that while the C-1 zone is appropriate here, there are some concerns that need to be addressed prior to approval. Of particular concern are the safety issues raised by the Police and Fire Departments and how the area behind the building will be altered. If the use is approved the Planning Department recommends the following conditions:

1. **Subject to approval of the rezoning from C-3 to C-1.**
2. **The building must be upgraded to meet the building and fire code requirements.**
3. **The entryways shall be clarified to ensure that any queues or lines do not interfere with pedestrian or vehicular access.**
4. **Any dumpsters shall be fully screened with a privacy fence and/or landscaping meeting the requirements for the C-1 zone.**
5. **The applicant shall reduce or abate the noise leaving the building and comply with city noise ordinances.**
6. **The applicant shall coordinate with the Police and Fire Departments to ensure that emergency access to the building shall be maintained.**

Mr. Parker provided the reports for the Engineering, Opelika Water, and Opelika Power Services. He stated that water is available from 1st Avenue & 10th Street. He stated that this property is in Opelika Power Services territory.

Chair Cannon opened the public hearing.

Josh O'Neal, authorized representative, stated that he has five other businesses in the downtown community of Columbus, Georgia and they are very safe. He stated that they wanted to come to Opelika because of how many people drive to Columbus to patron their establishments.

Herman Barnes, applicant, stated that he didn't want to change the zoning unless the conditional use was approved. He stated that he wanted the rezoning to be contingent on the approval of the lounge.

Mr. Mosley stated that the applicant would have the opportunity prior to the City Council hearing to withdraw if this did not move forward the way he wanted it to.

Chair Cannon closed the public hearing.

Motion to table the item to the November 19, 2024 Planning Commission meeting.

RESULT:	Passed
MOVER:	Mayor Gary Fuller
SECONDER:	Sheldon Whittelsey
AYES:	Chair Cannon, Walters, Whatley, Whittelsey, Hilyer, Mayor Fuller, Director Sweatman
NAYS:	None
ABSTAIN:	None

E. VACATION OF RIGHT-OF-WAY - Public Hearing

11. Petition to vacate a portion of right-of-way on 6th Street at the Chamber of Commerce building.

Mr. Mosley presented the staff report to the Planning Commission for the petition to vacate a portion of the right-of-way on 6th Street at the Chamber of Commerce building. He stated that staff recommends a positive recommendation to the Opelika City Council to vacate the right-of-way on S. 6th Street.

Mr. Parker provided the reports for the Engineering, Opelika Water, and Opelika Power Services. He stated that Water has no objections as long as access rights are maintained to water meter near intersection of Avenue A and S. 6th Street.

Chair Cannon opened the public hearing.

No comments.

Chair Cannon closed the public hearing.

Motion to send a positive recommendation for vacation of right-of-way to City Council.

RESULT:	Passed
MOVER:	Mike Hilyer
SECONDER:	Sheldon Whittelsey
AYES:	Chair Cannon, Walters, Whatley, Whittelsey, Hilyer, Mayor Fuller, Director Sweatman
NAYS:	None
ABSTAIN:	None

V. ADJOURN

Motion to adjourn at 4:44 p.m.

RESULT:	Passed
MOVER:	Director John Sweatman
SECONDER:	Mayor Gary Fuller
AYES:	Chair Cannon, Walters, Whatley, Whittelsey, Hilyer, Mayor Fuller, Director Sweatman
NAYS:	None
ABSTAIN:	None

Lucinda Cannon, Chair

Matt Mosley, Secretary